



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

SEP 20 2016

Mr. Daniel C. Summerlin
Woods Rogers PLC
10 S. Jefferson Street
Suite 1400
Roanoke, VA 24011

Re: Request for Information Pursuant to Section 3007(a) of the Resource
Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and
Management of Hazardous Waste
EPA ID No. VAR000009159
Reference No. C16-023

Dear Mr. Summerlin:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained by EPA during the inspection of Dynax America Corporation located at 568 East Park Drive, Roanoke, VA 24038 ("Dynax", or the "Facility") on May 11, 2016. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within ten (10) calendar days of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by the Facility or in the Facility's custody, control, or possession or in the possession, custody or control of any of the Facility's employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original and the date the document became effective at the Facility. *Copies of all documents must be legible.*

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266, 268, and 273 shall have the meanings set forth therein.

Requested Information

1. At the time of the inspection, during the review of the Uniform Hazardous Waste Manifests, (7) of the manifests were noted to have hazardous wastes listed without a hazardous waste code. Regarding each of the instances listed in the table below, please provide the following:
 - a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous

waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.

- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
- g. Provide copies of all LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

	UHW Manifest	Line #	P/U Date	TSDf	Containers	Total Volume
1	013005673JJK	8	03/12/15	GRR	2 Drums	110 Gallons
2	013005800JJK	8	04/21/15	GRR	3 Drums	165 Gallons
3	013005913JJK	5	06/02/15	GRR	2 Drums	110 Gallons
4	008931948FLE	5	08/18/15	GRR	3 Drums	165 Gallons
5	008932147FLE	8	10/13/15	GRR	1 Drum	55 Gallons
6	008932389FLE	13	11/24/15	GRR	1 Carton	177 lbs.
7	008932390FLE	8	12/15/15	GRR	1 Drum	55 Gallons

2. Regarding the hazardous waste training program in effect at the time of the inspection:

- a. Submit the list of job titles for each position at the Facility related to hazardous waste management, and the names of each employee(s) filling each job.
- b. Submit the written job description for each position listed above.
- c. Submit the written description of the type and amount of training for each position listed above.
- d. Submit five years of records documenting when annual training was given for employee identified above.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
 Name: _____
 Title: _____

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Eric J. Greenwood (3LC70)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Greenwood at (215) 814-2057.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

cc: Jamie Kemper
Quality Systems/Environmental Manager
Dynax America Corporation
568 East Park Drive
Roanoke, VA 24019

Eric Greenwood (3LC70)
Pauline Belgiovane (3LC70)

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

NAME (print or type)

SIGNATURE

DATE